

WARREN ZONING BOARD OF REVIEW
May 20, 2015
Minutes

The regular meeting of the Warren Zoning Board was called to order at 7:01 pm by Chairman S. Calenda. Also present was Vice Chairman P. Attemann, A. Harrington, M. Smiley, A. Ellis, 1st Alternate M. Emmencker and 2nd Alternate W. Barrett Holby. Absent was A. Harrington.

Approval of Minutes: April 29, 2015 meeting. It was moved by M. Smiley to accept the April 29, 2015 minutes. Second by Vice Chairman P. Attemann. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, , M. Smiley , A. Ellis and 1st Alternate M. Emmencker. 5-0

New Business:

It was moved by A. Ellis to move Application #15-24; D W Properties, owner and Mark Lombari out of order and **to the top of the agenda**. Second by M. Smiley. . Yea - Chairman S. Calenda, Vice Chairman P. Attemann, M. Smiley , A. Ellis and 1st Alternate M. Emmencker. 5-0

Application #15-24, D W Properties, Mark Lombari, owner and, applicant, 426 Metacom Ave, Plat Map 12, Lots 111 & 118, request for a Special Use Permit under sections 32-55 and 32-57 of the Warren Zoning Ordinance to allow wholesale business and storage under section 32-55, and compounding under section 32-57 in a special zoning district (SD).

Mark Lombari, owner and, applicant, D W Properties, 426 Metacom Ave., requested the withdrawal of Application #15-24 without prejudice.

It was moved by P. Attemann to grant the withdrawal without prejudice for Application #15-24, D W Properties, Mark Lombari, owner and, applicant, 426 Metacom Ave, Plat Map 12, Lots 111 & 118, request for a Special Use Permit under sections 32-55 and 32-57 of the Warren Zoning Ordinance to allow wholesale business and storage under section 32-55, and compounding under section 32-57 in a special zoning district (SD). Second by M. Smiley. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, , M. Smiley , A. Ellis and 1st Alternate M. Emmencker. 5-0

Application #15-17, Michael Oliver, owner and applicant, 20 Buffalo Ave, Plat Map 20, Lot 183, request for a Special Use Permit under section 32-74 of the Warren Zoning Ordinance to construct a second story addition with an increased footprint thereby expanding a non-conforming use.

Solicitor Skwirtz advised the board, that after reviewing **Application #15-17, Michael Oliver**, owner and applicant, 20 Buffalo Ave, Plat Map 20, Lot 183, request for a Special Use Permit under section 32-74 of the Warren Zoning Ordinance to construct a second story addition with an increased footprint thereby expanding a non-conforming use, there was a determination that **no relief is needed**.

Application #15-18, Razza, Paul Trustee, owner and applicant, 17 Denver Ave, Plat Map 20, Lot 249, request for a Variance from section 32-77 of the Warren Zoning Ordinance to construct an addition to an existing garage closer to a side lot line than allowed in an R-10 zoning district.

Paul Razza of 17 Denver Ave owner and applicant of Plat Map 20, Lot 249, request for a Variance from section 32-77 of the Warren Zoning Ordinance to construct an addition to an existing garage closer to a side lot line than allowed in a R-10 zoning district was present to give testimony. Mr. Razza explained that he would like 4' relief to allow him to extend his garage to allow a second stall, there would be no change in height. This addition would be installed on footing, foundation and slab and no curb cut will be required.

Public Comment – NONE

It was moved by P. Attemann to approve Application #15-18, Razza, Paul Trustee, owner and applicant, 17 Denver Ave, Plat Map 20, Lot 249, request for a Variance from section 32-77 of the Warren Zoning Ordinance to construct an addition to an existing garage closer to a side lot line than allowed in a R-10 zoning district. Where 15' a required setback and 4' is being requested. Finding of fact, that the hardship is due to the existing house and the applicant is seeking to expand the existing garage, relief is due to the unique characteristics of the property and placement of pre-existing buildings. The hardship is not due to any prior action of the applicant. The granting of the application will not alter the general characteristics of the surrounding area and is compatible with other homes and garages in the surrounding neighborhood. Further finding of fact, the relief being requested is the least necessary relief for the proposed two (2) car garage. The proposed 14' width is a logical dimension for a two (2) stall garage. There are no additional conditions other than those set forth by the building permit. Second by M. Smiley. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, M. Smiley, A. Ellis and 1st Alternate M. Emmencker. 5-0

A Harrington arrives at 7:11pm and assumes his seat.

Application #15-19, Bestoso Paul and Patricia, owners and applicants, 40 Harris Ave, Plat Map 13E, Lots 88 & 89, request for a Variance from section 32-77 of the Warren Zoning Ordinance to allow construction of an addition closer to a side yard lot line than allowed in an R-10 zoning district.

Paul Bestoso, 40 Harris Ave, was present to discuss Application #15-19, Bestoso Paul and Patricia, owners and applicants, 40 Harris Ave, Plat Map 13E, Lots 88 & 89, request for a Variance from section 32-77 of the Warren Zoning Ordinance to allow construction of an addition closer to a side yard lot line than allowed in an R-10 zoning district. The addition would allow for the expansion of two (2) bedrooms. Mr. Bestoso explained that the addition would be on a slab which would allow him to save the vegetation.

Public Comment – NONE

It was moved by A. Ellis to approve Application #15-19, Bestoso Paul and Patricia, owners and applicants, 40 Harris Ave, Plat Map 13E, Lots 88 & 89, request for a Variance from section 32-77 of the Warren Zoning Ordinance to allow construction of an addition closer to a side yard lot line than allowed in an R-10 zoning district. Finding of fact that the hardship is due to the unique characteristics of the land and the plot lines on the side of the lot, which was not the result of any prior action of the applicant. The granting of this application will not alter the general characteristics of the neighborhood and is compatible with the height and style of the neighboring land uses. Further finding of fact, the granting of this application will not cause any hazards or nuisance to the surrounding area and is compatible with the comprehensive plan. Second A. Harrington. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley and A. Ellis. 5-0

Chairman S. Calenda recues.

Vice Chairman P. Attemann assumes the Chairman seat.

Application #15-20, Five Sixty Seven, LLC, owner and Stephen Bragantin, applicant, 567 Metacom Ave, Plat Map 13A, Lots 75, 75A & 76, request for a Variance from section 32-78 of the Warren Zoning Ordinance to allow construction of a garage closer to a side lot line than allowed in a business zoning district.

Stephen Bragantin, 1 Baptiste St, Bristol, applicant, was present to give testimony for Application #15-20, request for a Variance from section 32-78 of the Warren Zoning Ordinance to allow construction of a garage closer to a side lot line than allowed in a business zoning district. Mr. Bragantin explained that he would like to construct expand from a 34' x 45' to a 36' x 60' garage which will house tools and equipment for J & K

Sanatation. Mr. Bragantin was not opposed to changing the direction of the expansion and therefore requested a withdrawal of the application without prejudice.

It was moved by A. Harrington to grant the withdrawal of Application #15-20, Five Sixty Seven, LLC, owner and Stephen Bragantin, applicant, 567 Metacom Ave, Plat Map 13A, Lots 75, 75A & 76, request for a Variance from section 32-78 of the Warren Zoning Ordinance to allow construction of a garage closer to a side lot line than allowed in a business zoning district, without prejudice. Second by A. Ellis. Yea - Vice Chairman P. Attemann, A. Harrington, M. Smiley, A. Ellis and 1st Alternate M. Emmencker. 5-0

Application #15-21, Five Sixty Seven, LLC, owner and Stephen Bragantin, applicant, 567 Metacom Ave, Plat Map 13A, Lots 75, 75A & 76, request for a Special Use Permit under section 32-74 of the Warren Zoning Ordinance to allow expansion of a non-conforming use with a structure in a business zone closer than forty feet to a residential zoning district.

Solicitor Skwartz advised the board, that after reviewing Application #15-21, Five Sixty Seven, LLC, owner and Stephen Bragantin, applicant, 567 Metacom Ave, Plat Map 13A, Lots 75, 75A & 76, request for a Special Use Permit under section 32-74 of the Warren Zoning Ordinance to allow expansion of a non-conforming use with a structure in a business zone closer than forty feet to a residential zoning district, a Special Use permit is not required under 32-74.

Chairman S. Calenda resumes his seat.

Application #15-22; 450 Main Street, LLC, owner and David Sequino, applicant, 450 Main St / 31 Child St, Plat Map 4, lots 64, 64A, 65 & 66, request for a Special Use Permit under section 32-47 of the Warren Zoning Ordinance to allow a two family home in a village business zone.

Glen Robinson, Thomas Wright Esq. & Associates, 572 Main St., Warren, represented Application #15-22 & Application #15-23, applicant and owner, David Sequino, requesting a Special Use Permit to convert a one family home into a two family home. Mr. Robinson explained that this request would be compatible with the comprehensive due to the fact that the outside of the building would not be changed and the request is compatible with neighboring land uses. The total number of uses would converted as follows: in the back there is a one family dwelling proposed change to a two family, currently on the first floor there is approx 9,000 sq ft of commercial real estate with 4,000 sq ft on the second floor for a total of 13,000 sq ft., proposed conversion to seven (7) apartments, 4,000sq ft of the 13,000 sq ft would be kept as commercial use, three (3) apartments on the 1st floor and four (4) apartments on the 2nd floor. Also available to give testimony was owner and applicant, David Sequino.

Application #15-23, 450 Main Street, LLC, owner and David Sequino, applicant, 450 Main St / 31 Child St, Plat Map 4, lots 64, 64A, 65 & 66, request for a Variance from sections 32-130 and 32-105 of the Warren Zoning Ordinance to allow a building to be remodeled so that the proposed residential units and commercial units are on the same floor, with less than the required parking spaces.

After hearing testimony and reviewing the proposed plans it was discovered that these proposals would need to go before the Planning Board.

Glen Robinson, Esq. requested the withdrawal of Application #15-22, 450 Main Street, LLC, owner and David Sequino, applicant, 450 Main St & 31 Child St, Plat Map 4, lots 64, 64A, 65 & 66, request for a Special Use Permit under section 32-47 and Application #15-23, 450 Main Street, LLC, owner and David Sequino, applicant, 450 Main St / 31 Child St, Plat Map 4, lots 64, 64A, 65 & 66, request for a Variance from sections 32-130 and 32-105, without prejudice.

It was moved by A. Harrington to grant the withdrawals, without prejudice, for Application #15-22, 450 Main Street, LLC, owner and David Sequino, applicant, 450 Main St & 31 Child St, Plat Map 4, lots 64,

64A, 65 & 66, request for a Special Use Permit under section 32-47 and **Application #15-23, 450 Main Street, LLC**, owner and David Sequino, applicant, 450 Main St & 31 Child St, Plat Map 4, lots 64, 64A, 65 & 66, request for a Variance from sections 32-130 and 32-105.

Application #15-24, D W Properties, owner and Mark Lombari, applicant, 426 Metacom Ave, Plat Map 12, Lots 111 & 118, request for a Special Use Permit under sections 32-55 and 32-57 of the Warren Zoning Ordinance to allow wholesale business and storage under section 32-55, and compounding under section 32-57 in a special zoning district (SD). **(MOVED TO THE TOP OF THE AGENDA)**

Administrative Matters:

1. Update from Building Official on demolition of farm house located at 335 Market Street

In August of 2014, Application #14-24, Edward Allen Kaiser & Regina N. Swanson, owners and Paul & Diane Brule, applicants, 335 Market St., Plat Map 23, Lot 23, request for a Special Use Permit from section 32-164 of the Warren Zoning Ordinance to demolish and replace existing structures to enable the operation of a farm with residence in a rural business zone, came before the Board and was denied.

They then applied for a demolition permit. They were advised at that time they would need to go to the Voluntary Historical Preservation Committee, where they were denied.

Consequently, they returned and again applied for a demolish permit with the Building Official's Office, on the basis that the house was beyond repair. The Building Official requested a letter from a registered design professional to support these facts, which they supplied to him.

The Building Official went to the location to inspect the site. The Building Official felt that the house was unsafe to do an inside inspection, there was evidence of structural damage, unsafe beam supports, etc. At this time, the Building Official issued a demolish permit and the building was demolished. (A portion did remain for a time to which the Building Official was not advised as to the reasoning.)

The Building Official also inspected the largest of the out buildings (the Barn) and there was evidence that its structural damage was the same if not worse than the house. (The outside of these buildings were taken care of, however, the inside was not.)

All but one of the structures (the small shed) has demolished.

The applicants have applied for building permits for the house, cow barn, chicken coop, carriage shed and storage shed. All but the barn and the chicken coop have been issued at this time. The other permits are on hold, but the Building Official is prepared to issue them on the advice of Town Solicitor. If the buildings are for crops or its associates, the permits can be issued, if the buildings are for livestock, the permits cannot be issued.

2. Solicitor DeSisto has an updated handbook and would like to provide the Board with updated case law and guidance. This item has been tabled.

Adjourn:

A. Harrington moved to adjourn the meeting at 7:56 PM. Second by M. Smiley. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, M. Smiley, and A. Ellis. 5-0

Respectfully submitted,

Rhonda Lee Fortin